

## **28.622.01**

### **Unlawful Flight From Pursuing Law Enforcement Vehicle**

The crime of unlawful flight from a pursuing law enforcement vehicle requires proof of the following four things:

1. The defendant, who was driving a motor vehicle, willfully fled from or attempted to elude a pursuing official law enforcement vehicle; and
2. The law enforcement vehicle was appropriately marked showing it to be an official law enforcement vehicle; and
3. The officer in the law enforcement vehicle while in pursuit used a red or red and blue light; and
4. The officer in the law enforcement vehicle, as reasonably necessary, used an audible siren.

An act was done willfully if it was done knowingly.

**Source:** A.R.S. §§ 28-622.01 and 28-624(C) (statutory language as of October 1, 1997); State v. Gendron, 166 Ariz. 562, 565, 804 P.2d 95, 98 (App. 1990), vacated in part on other grounds, 168 Ariz. 153, 812 P.2d 626 (1991) (the definition of willfully in felony flight statute is equivalent to the definition of knowingly in A.R.S. § 13-105; In re Joel R., 200 Ariz. 512, 513-14, 29 P.3d 287, 288-89 (App. 2001).

**Use Note:** The court must instruct on the culpable mental state. “Knowingly” is defined in A.R.S. § 13-105 (Statutory Definition Instruction 1.056(b)).